

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

**MARLON P. BRAMWELL**

**CIVIL ACTION NO. 12-0078**

**VERSUS**

**JUDGE ROBERT G. JAMES**

**STATE OF LOUISIANA**

**MAG. JUDGE KAREN L.HAYES**

**MEMORANDUM ORDER**

On January 13, 2012, Petitioner Marlon P. Bramwell (“Bramwell”) filed a Petition for Writ of *Habeas Corpus*, pursuant to 28 U.S.C. § 2254. In his Petition, Bramwell attacks his December 6, 1989 convictions for drugs offenses in *State of Louisiana v. Marlon P. Bramwell*, Docket No. 48,831, Fourth Judicial District Court, Parish of Ouachita, State of Louisiana.

On March 13, 2012, Magistrate Judge Hayes issued a Report and Recommendation [Doc. No. 8] in which she recommended that the Court find that Bramwell’s Petition was a second and successive petition for writ of *habeas corpus* and that the Court transfer the Petition to the United States Court of Appeals for the Fifth Circuit because Bramwell had not obtained authorization to file the Petition. On June 8, 2012, the Court adopted the Report and Recommendation of the Magistrate Judge and transferred Bramwell’s Petition to the Fifth Circuit, where it remains pending. [Doc. No. 12].

On June 25, 2012, Bramwell filed a pleading styled, “PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 59 [sic] (e)” (“Rule 59(e) Motion”) [Doc. No. 13]. On June 28, 2012, the Court denied Bramwell’s Rule 59(e) Motion because he failed to present any manifest errors of law or fact or newly discovered evidence.

On July 23, 2012, the Clerk of Court received a notice of appeal [Doc. No. 16] of the Court's June 28, 2012 Memorandum Order, which Bramwell signed and dated July 20, 2012.

On the same day, July 23, 2012, the Clerk of Court also received "MOVANT'S PRO SE APPLICATION FOR CERTIFICATE OF APPEALABILITY" ("Application for COA") [Doc. No. 17]. An appealable collateral order has been filed in the above-captioned case. Therefore, after having considered the record, the requirements of 28 U.S.C. § 2253, and *In re Bradford*, 660 F.3d 226 (5<sup>th</sup> Cir. 2011),

IT IS ORDERED that the Application for COA is DENIED because the applicant has failed to demonstrate a substantial showing of the denial of a constitutional right.

MONROE, LOUISIANA, this 25<sup>th</sup> day of July, 2012.

  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE